UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

PHILIP KOCH,)
Plaintiff,)
vs.) No. 4:14CV1109 CDP
MORGAN & ASSOC., P.C., of Missouri, et al.,)))
Defendants.)

MEMORANDUM AND ORDER

This newly reopened case is before me on defense counsel's motion to withdraw as counsel of record for both defendants. The motion will be denied without prejudice. Counsel seeks to withdraw from representing a corporation, but a corporate defendant cannot appear in federal court <u>pro se</u> and there is no indication in counsel's motion or the docket sheet that substitute counsel will be entering an appearance in this matter. There is also no indication in the motion that counsel has advised either of his clients of the consequences of withdrawal and of self representation. With respect to the corporate defendant, counsel must advise it that failure to obtain substitute counsel will result in its pleadings being stricken from the record and a default judgment being entered against it. Finally, there is no indication whether defendants consent to this motion or requested termination of the representation. Any renewed motion to withdraw shall include all this information, as well as a certification by counsel that he served a copy of this Memorandum and Order and any renewed motion on defendants. If a

renewed motion for withdrawal is filed, it will then be set for hearing at which defense counsel will be expected to secure the attendance of Porter Morgan and a corporate representative of Morgan & Associates, P.C. Mr. Morgan may appear on his own behalf and as the corporate representative. Until such a renewed motion is filed, defense counsel remains in this case and obligated to continue representing his clients. Unless a renewed motion is filed before counsel are required to confer about the discovery schedule in this case, I expect defense counsel to participate in the preparation of the proposed case management order and attend the Rule 16 conference as previously ordered. If, however, a renewed motion is filed before that date, I will continue the scheduling conference and set the motion for hearing instead.

Accordingly,

IT IS HEREBY ORDERED that the motion to withdraw [#9] is denied without prejudice to being renewed in accordance with the provisions of this Memorandum and Order.

CATHERINE D. PERRY

UNITED STATES DISTRICT JUDGE

Dated this 15th day of January, 2015.